

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(hunzeb01.034)

5 **Applicant:** Strategic Capital Network, LLC **Confirmation No:** 2465
Application No: 10/561,095 **Group Art Unit:** 2123
Filed: 12/16/2005 **Examiner:** von Buhr, Maria N.
10 **Title:** *Improved resource allocation techniques*

Commissioner for Patents
15 P.O. Box 1450
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Response to a non-final Office action under 37 C.F.R. 1.111

20 **Status of the prosecution**

A second non-final rejection was received in the above application on 11/7/2008. Claims 1-35 are pending in the application. In the non-final rejection, Examiner indicated that the body of claim 18 had been omitted and that terminal punctuation was lacking in claims 18 and 24. The copy of the claims included with this response contains the body
25 of claim 18 and the terminal punctuation of claims 18 and 24. The claims are also being amended to deal with typographical errors noted by applicants and to correct the dependency of claim 28.

Examiner further objected to Figures 4, 6-10, 12, and 13 as having shading which makes
30 them illegible. Substitute Figures accompany this response. Examiner further noted that the citation to SN 10/018696 was incomplete. The PCT application of which the present application is the U.S. National Phase was filed with a section *Cross references to related applications* which was not included in the published PCT application or in the published US application. Applicants are amending the U.S. National Stage to include the *Cross*
35 *References* section as originally filed in the PCT application. The U.S. National Stage

will also be amended to supply the necessary information concerning Matlab and other software components.

5 Examiner has rejected claims 1-35 under 35 U.S.C. 101 as being directed to a mathematical algorithm and therefore to subject matter which falls within a judicial exception to the statutory classes of invention, has rejected claims 1,4, 6-10, and 13-26 as under 35 U.S.C. 102 as anticipated by U.S. Patent Application Publication 2003/0055765, to Bernhardt (hereinafter "Bernhardt"), has rejected claims 5,11,12, 28-33 under 35 U.S.C. 102 as obvious over the combination of Bernhardt with US. Patent
10 Application Publication 2002/0022988, to Columbus, et al. (hereinafter "Columbus), and has rejected claims 1-35 under 35 U.S.C. 102 as anticipated by U.S. Patent Application Publication 2004/0138897 to Eapen (hereinafter "Eapen") Applicants are traversing the rejections under 35 U.S.C. 101, 102, and 103. Cites to locations in the present application are to paragraphs of the application's Patent Application Publication
15 2006/0200400.

Replacement drawings

Replacement drawings for FIGs. Figures 4, 6-10, 12, and 13 accompany this response.

20 **Please amend the claims as follows:**